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Amendment dated 01/07/05
In Response to OA mailed 10/08/04

U.S.S.I. 09/626,100
00522,0358

REMARKS

Claims 1-26 are pending. Claims 1-26 stand rejected by this Office Action

Claim Rejections – 35 USC §103

Claims 1-26 are rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over US 6,356,903 (Baxter) in view of US 6,236,994 (Swartz) and US 6,574,609 (Downs). Regarding claim 1, the Applicant has amended the claim to include the features of “applying by computer these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships to provide personalized content for a customer, whereby such a solution to the system design problem is produced, and wherein **the personalized content is in accordance with the at least one customer's user preferences and at least one business objective**” and “delivering the personalized content to the customer, further comprising: **selecting a delivery channel from a plurality of delivery channels** in accordance with the at least one customer's user preferences; and distributing the personalized content over the selected delivery channel.” (Emphasis added.) The amendment to the first feature is supported by the specification as originally filed, e.g., page 15, lines 19-28 and page 17, lines 15- page 18, line 8. The amendment to the second feature is also supported by the specification as originally filed, e.g., page 12, lines 22-30, page 15, line 21-25, page 30, lines 22-34, and figure 3(element 322). The combination of Baxter, Swartz, Downs does not teach or even suggest these features. Referring to Figure 9, it appears that Baxter merely teaches a personalization process that uses a user profile and does not teach or even suggest the feature of “applying by computer these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships to provide personalized content for a customer, whereby such a solution to the system design problem is produced, and wherein the personalized content is in accordance with the at least one customer's user preferences and at least one business objective.” The

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Re: *Remington v. G.A. Swartz and D. Downs* (09/626,100) does not make up for the deficiencies of Baxter. (09/626,100) Downs merely teaches (Column 12, lines 36-39.):

The Secure Digital Content Electronic Distribution System 100 could be deployed in a variety of consumer and business-to-business services using both new and existing distribution channels.

However, Downs does not teach or even suggest the feature of "delivering the personalized content to the customer, further comprising: selecting a delivery channel from a plurality of delivery channels in accordance with the at least one customer's user preferences; and distributing the personalized content over the selected delivery channel". The teachings of Baxter and Swartz do not make for the deficiencies of Downs. Thus, claim 1 is patentable over Baxter in view of Swartz and Downs.

Similarly, the Applicant has amended claim 9 to include "a second logic mechanism for determining key processes for use in developing a solution to a system design problem, the system design problem being the determination of what content management and delivery products and processes to implement, and how to implement them, wherein the key processes comprise: workflow tracking for content elements, capture and use of at least one customer's user preferences, application of business rules to user preferences to determine future content development, access control for the content management system, and metadata capture including author, date of creation and topic; and applying these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships to provide personalized content for a customer, whereby such a solution to the system design problem is produced, and wherein the personalized content is in accordance with the at least one customer's user preferences and at least one business objective" and "a third logic mechanism that delivers the personalized content to the customer by selecting a delivery channel from a plurality of delivery channels in accordance with the at least one customer's user preferences and by distributing the personalized content over the selected delivery channel." Also, the Applicant has amended claim 23 to include "applying these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships to provide

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personalized content for a customer, whereby such a solution to the system design problem is produced, and wherein the personalized content is in accordance with the at least one customer's user preferences and at least one business objective" and "delivering the personalized content to the customer, further comprising: selecting a delivery channel from a plurality of delivery channels in accordance with the at least one customer's user preferences; and distributing the personalized content over the selected delivery channel." Claims 2-8, 10-22, and 24-26 ultimately depend from claims 1, 9, and 23 and are patentable for at least the above reasons. The Applicant requests reconsideration of claims 1-26.

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CONCLUSION

Applicants submit that claims 1-26 are in condition for allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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